

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE GENERAL PROVISIONS AND
SERVICE CHARGES FOR GARBAGE COLLECTION IN THE CITY OF
WEST LAFAYETTE**

WHEREAS, the West Lafayette City Code's ordinances concerning garbage collection were last amended in 1992; and

WHEREAS, Section 67.25 of the West Lafayette City Code requires that garbage collection fees be reviewed annually by the Common Council of the City of West Lafayette; and

WHEREAS, the Common Council of the City of West Lafayette desires to promote environmentally-friendly practices and established the Go Greener Commission in Ordinance 19-08 to help promote environmental well-being in West Lafayette.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

CHAPTER 67 of the West Lafayette City Code shall be AMENDED to read as follows:

ARTICLE I. GENERAL PROVISIONS

Sec. 67.01. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) "Compost" means a mixture of decaying organic matter, as from leaves and/or kitchen waste, used to decrease garbage volume and also may be added to soil to improve soil structure and quality.
- (b) "Garbage" means food waste or discarded or useless material.
- (c) "Recycle" and "Recycling" means any process, program, or service for the salvage or reuse of Garbage.
- (d) "Yard Waste" means discarded or useless material of a plant origin, including, but not limited to: lawn clippings, leaves, weeds, twigs, branches, or tree limbs four inches or less in diameter and not more than four feet in length.
- (e) "Weeds" means vegetation having no commercial or aesthetic value.
- (f) "Bulk Rubbish" means discarded or useless materials such as construction material or furniture, not including recyclable materials or Yard Waste, that is of such size or weight which cannot fit within a container as described in this Chapter.

Sec. 67.02. Removal of Weeds.

It is hereby made the duty of the chief of police to serve a written or printed notice on the owner or occupant, lessee or agent of any premises within the city whereon are allowed, suffered or permitted to grow or mature any Weeds, to cut down, remove or otherwise destroy such Weeds within ten days from the date of such notification: provided, that in case such owner is a nonresident of the city, and there are no occupants of the premises and there are no agents or lessees in the city, the notice shall be posted in a conspicuous place on the premises and it shall be the duty of such owner, occupant, lessee or agent to cut down, remove or otherwise destroy such Weeds within ten days from the date of service or posting of such notice.

If any such owner, occupant, lessee or agent should fail to cut down, remove or otherwise destroy such Weeds within the time as notified, the street commissioner shall cut down, remove or destroy the Weeds at the expense of the city and the city may thereupon hold a lien upon the real estate, upon which such Weeds are located for the amount of the cost and expenses thereof with an annual interest rate equal to the current US Treasury Note interest rate plus 3.5%, which shall be collected in the manner provided for the collection of assessments for street improvements.

Section 67.03. Depositing Garbage, on property prohibited.

It shall be unlawful to throw, place, cause to be placed or permit to remain on any property, any Garbage, unless such Garbage is placed and caused to remain in suitable containers as described in this Chapter.

Sec. 67.04. Burning Garbage or Yard Waste.

It shall be unlawful for any person to burn Garbage or Yard Waste within the city, except by the express written approval of the chief of the fire department.

Sec. 67.05. Accumulation of Garbage prohibited.

The owner, occupant or lessee of any premises in the city shall cause to be removed from the premises all Garbage, and shall keep the premises at all times free and clear of any accumulation of Garbage, except as expressly permitted within this Chapter.

Sec. 67.06. City Container specifications.

Suitable containers shall be either:

- (a) one forty-eight (48) gallon or less rigid container that is leak-proof, water tight, has two handles, and a tight fitting lid; or

(b) one ninety-six (96) gallon rigid container that is purchased from the city of West Lafayette; or

(c) watertight bag(s) of not more than thirty-six (36) gallons bearing a city-issued label(s).

Sec. 67.07. Location of containers.

The city or its duly authorized agency shall collect all Garbage on scheduled collection days; provided that such is placed at a designated location as prescribed by the Sanitation and Recycling Department and prepared in accordance with this Chapter. To ensure collection of Garbage, container must be placed at a designated location by 7:00 a.m. on the day of scheduled pickup. Garbage containers may be placed for collection not earlier than 7:00 p.m. the night before the scheduled collection day and must be removed from the place designated for collection not later than 7:00 a.m. the day following the scheduled collection day. Except as permitted herein, containers and Garbage shall be stored in any inconspicuous location on land of the owner.

Sec. 67.08. Preparation of Garbage for collection.

Garbage must be inside a suitable container as defined in this Chapter. Container must be closed to prevent spillage and overflow.

Sec. 67.09. Private collectors.

Every person desiring to engage in the business of Garbage collection and disposal shall make application to the city clerk-treasurer by setting forth the name of such person, the residence thereof, or the address or place of business together with the description of the vehicles to be used in the collection of such garbage or rubbish and the place and method of disposal to be practiced. Before issuing a permit, the city clerk-treasurer shall require the applicant to submit a written approval of the issuance thereof, executed by the Sanitation and Recycling Department, which approval shall state that the vehicles to be used for such purpose have satisfactorily met the requirements of the Sanitation and Recycling Department.

Sec. 67.10. Responsibility for collection of Garbage.

(a) Collection of Garbage will be a service provided by the city to assist the occupants of single-housing and occupants of town houses and multiple housing dwellings not to exceed four dwelling units to comply with this Chapter.

(b) It shall be the responsibility of the occupants or owners of shopping centers, stores, commercial businesses, industry and town houses and apartments in excess of four dwelling units to provide for the removal of all Garbage, so as to comply with this Chapter.

Sec. 67.11. Recycling.

The city shall provide Recycling collection services for residents receiving Garbage collection services. The Sanitation and Recycling Department shall promulgate a list of recyclable items.

Sec. 67.12. Bulk Rubbish.

Bulk Rubbish shall be kept enclosed in a structure or kept concealed from public view except on scheduled collection days. The owner or occupant may contact the Sanitation and Recycling Department to arrange collection of Bulk Rubbish in the manner required by this article or as the street commissioner shall designate. The city shall not be required to enter upon private property to collect Bulk Rubbish. The city may not collect Bulk Rubbish unless it bears one or more city-issued Bulk Rubbish label(s). A Bulk Rubbish-label shall entitle the purchaser to the collection of up to a four foot by four foot by six foot unit of Bulk Rubbish. All individual items within a Bulk Rubbish unit must be able to be handled by an individual sanitation worker.

Sec. 67.13 Yard Waste.

(a) Yard Waste shall be placed for collection at times and places designated by the Sanitation and Recycling Department.

(b) Loose Yard Waste, such as leaves and clippings, shall be placed in a rigid container with two handles, unless otherwise designated by the Sanitation and Recycling Department.

(c) During the months of October, November, and December, the Sanitation and Recycling Department shall establish a schedule and procedure for the collection of leaves.

ARTICLE II. SERVICES CHARGES

Sec. 67.20. Imposition -- city sanitation service.

(a) There is imposed on each owner, tenant or occupant of single housing and occupants of town houses and multiple housing dwellings not to exceed four dwelling units, a service charge per dwelling unit for the collection of Garbage, Recycling, Yard Waste, and Bulk Rubbish. This service charge may be adjusted by the Common Council through the adoption of the annual city budget.

(b) Monthly Service charges shall be:

(1) \$11.00 per month for the container described in Sec. 67.06(a).

(2) \$15.00 per month for the container described in Sec. 67.06(b).

(c) Additional Service Charges shall be:

- (1) \$2.00 for each city-issued label for each container described in Sec. 67.06(c). There shall be no limit to the number of labels available for containers described in Sec. 67.06(c).
- (2) \$10.00 for each Bulk Rubbish label as described in Sec. 67.12. There shall be no limit to the number of labels available for Bulk Rubbish described in Sec. 67.12.
- (d) The city may not collect items of Garbage, Recycling, or Bulk Rubbish unless the applicable service charges are paid or the item designated for collection bears a city-issued label.
- (e) Upon request of the occupant(s), any dwelling unit in which the annual household income is shown not to exceed 150% of the annual poverty guidelines promulgated by the United States Department of Health & Human Services or its successor agency, Sanitation collection services shall be \$5.50 per month for the container as described in Sec. 67.06(a). All other service fees shall be as described in Sec. 67.20. Household income shall be deemed to include all taxable income as well as Social Security benefits, railroad retirement benefits, veteran's pensions, and any other nontaxable income of any member of the household.
- (f) The owner of any multiple housing dwelling not exceeding four dwelling units or a religious institution may elect to use a city-compatible dumpster in lieu of individual trash and garbage containers for a fee of \$60.00 per month for each dumpster. The initial cost of the dumpster as well as any future maintenance shall be the responsibility of the property owner. In addition, any owner adjacent to an alley receiving city service must provide a concrete pad, three feet by five feet and four inches thick for the dumpster. All pads shall be sloped toward the alley for drainage and ease of emptying the dumpster. No dumpster shall be allowed in the front yard or street right-of-way except as permitted by the Sanitation and Recycling Department.

Sec. 67.21. Remittance to clerk-treasurer-recording.

Except for city-issued labels, which shall be available for sale at designated places, service charges as set out in this Chapter shall be prepared and billed by the city along with the bills for services rendered by the sewage treatment works and shall be payable at the same times as the sewage bills with all such sanitation fees collected being remitted to the clerk-treasurer for deposit. The clerk-treasurer, upon receiving the funds set out herein, shall record the receipts and disbursements in a manner to validate that the receipts are sufficient to cover the expenditures of the Sanitation and Recycling Department. Such records will be maintained and presented to the council on a monthly and annual basis.

Sec. 67.22. Collection, restrictions.

Payment of service charges shall entitle the recipient of said service to one weekly collection of Garbage and Yard Waste, except upon declared holidays, and recycling service as designated by

the Sanitation and Recycling Department. Such service shall be restricted in the following manner:

(a) Containers shall be in accordance with this Chapter.

(b) Containers described in Sec. 67.06(a) and 67.06(c) and contents therein or individual articles or bundles of brush shall weigh no more than forty pounds.

Containers under Sec. 67.06(b) or City-issued containers within Sec. 67.06(a) and contents therein shall weigh no more than 200 pounds.

The weight limit for individual "Bulk Rubbish" items shall be at the discretion of the Sanitation and Recycling Department.

(c) The following items shall not be included as acceptable for pickup:

(1) Any liquids;

(2) Hot ashes;

(3) Any broken concrete, asphalt, bricks, blocks, gravel, sod, or soil;

(4) Any materials from a private contractor.

(5) Any material designated as hazardous waste pursuant to the laws and regulations of the United States or any agency thereof, the State of Indiana or any agency thereof, or The West Lafayette City Code.

Sec. 67.23. Owner liability.

Except for city-issued labels, service charges as set out in this chapter shall be billed to the person being billed for sewage treatment. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant.

Sec. 67.24. Collection of delinquent charges.

Except for city-issued labels, service charges as set out in this chapter shall be due and payable on or before the due dates shown on the bills and in keeping with the standard practices of the billing department for sewage treatment. Any service charge not paid by the due date shall be considered delinquent and shall be collectible, with any applied penalty, as hereinafter set forth:

(a) Collection Through Tax Duplicate. As provided by the statutes of the state, delinquent service charges may be made a lien against the property served through certification to the auditor and to the recorder of the county. In such case, the delinquent service charges, together with the mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

(b) Collection Through Court Actions. In addition to the foregoing remedies, the city shall have the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fee. It shall also have the right, as provided by the statutes of the state, to foreclose any lien established under the provisions of subsection (a) of this section with recovery of the charge, a penalty of ten percent and a reasonable attorney's fee.

Sec. 67.25. No service charge.

When requested by the owner, Sanitation Services and billing as set out in this Chapter shall be suspended if there is no water usage for a minimum of 60 days.

INTRODUCED ON SECOND READING ON THE _____ DAY OF _____, 200

A MOTION TO CONSIDER ON FIRST READING WAS SUSTAINED BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED, PURSUANT TO IC-36-4-6-13.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE _____ DAY OF _____, 20__, HAVING BEEN PASSED BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED, THE ROLL CALL VOTE BEING:

<u>AYE</u>		<u>NAY</u>
_____	Bunder	_____
_____	Burch	_____
_____	Dietrich	_____
_____	Hoggatt	_____
_____	Hunt	_____
_____	Keen	_____
_____	Thomas	_____

Presiding Officer

Attest:

Judith C. Rhodes, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA
ON THE _____ DAY OF _____, 2010, AT THE HOUR OF _____.

Judith C. Rhodes, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE _____ DAY OF
_____, 2010, AT THE HOUR OF _____.

John R. Dennis, Mayor

Attest:

Judith C. Rhodes, Clerk-Treasurer